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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,667	12/01/2000	Thomas R. Colligan	16356.567 (DC-02601)	2026

27683 7590 06/06/2003

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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 06/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/727,667

Applicant(s)

COLLIGAN ET AL.

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10, 12-18, 20-27, and 29 is/are rejected.
- 7) ☒ Claim(s) 3, 11, 19, and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-10, 12-18, 20-27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chari (U.S. Patent No. 6,046,742).

As to claim 1, Chari teaches a method of providing acoustic management in a computer comprising:

receiving from a user instructions regarding a selected acoustic level via an interface (col. 6 lines 19-33 and figs. 17-18); and

adjusting an operational level of at least one subsystem of the computer to achieve the selected acoustic level (cooling subsystem, col. 13 lines 38-60 and fig. 17).

As to claim 2, Chari teaches the method of claim 1 further comprising:

subsequent to the adjusting, demonstrating to the user the selected acoustic level (col. 13 lines 1-25 and figs. 17-18).

As to claim 4, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer comprises adjusting the speed of an internal fan (col. 13 lines 1-40 and figs. 17-18).

As to claim 5, Chari teaches the method of claim 4 wherein the adjusting an operational level of at least one subsystem of the computer comprises making corresponding adjustments to overall operation of a portion of the computer to maintain a heat production level of the computer at a level that can be managed by the internal fan operating at the adjusted speed (Temperature Sensors, col. 13 lines 38-60 and figs. 17-21).

As to claim 6, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer is performed using redefined power management levels of the computer (figs. 22-24).

As to claim 7, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer comprises adjusting a speed of a peripheral bus, with corresponding adjustments to a speed of at least one peripheral device connected to the peripheral bus (DIMM, figs. 15-16).

As to claim 8, Chari teaches the method of claim 1 further comprising, prior to the receiving, displaying a graphical user interface for enabling the user to select an acoustic level (Options dialog box allows user to make change, col. 8 lines 40-59 and figs. 22, 24-25).

As to claims 9-10, they are system claims of method claims 1-2. Note the rejections of claim 1-2 above respectively.

As to claims 12-16, they are system claims of method claims 4-8. Note the rejections of claims 4-8 above respectively.

As to claim 17, it is individually similar in scope to claim 9 above; therefore, rejected under similar rationale.

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As to claim 18, it is individually similar in scope to claim 10 above; therefore, rejected under similar rationale.

As to claims 20-24, they are similar in scope to claims 12-16 above; therefore, rejected under similar rationale.

As to claims 25-27, they are computer program product claims of method claims 1-2, and 8.

Note the rejections of claims 1-2, and 8 above.

As to claim 29, this is computer program product claim of method claim 5. Note the rejection of claim 5 above.

Allowable Subject Matter

3. Claims 3, 11, 19, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art either alone or in combination doesn't teach the limitations in claims 3, 11, 19, and 28 of adjusting a seek time of a hard disk drive of the computer and in combination with the other claimed features.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Chari (U.S. Patent No. 6,151,023) teaches adjusting, setting, fan, bios, speed, power, level, user interface, and software/hardware (cols. 6-18 and figs. 1-39).

Gaskins et al. (U.S. Patent No. 5,802,356) teach bios, setting, speed, bus, and user interface (cols. 2-9 and figs. 1-3).

Henderson et al. (U.S. Patent No. 5,962,933) teach fan, CPU, bios, and bus (cols. 3-11 and figs. 2-5).

Lewis (U.S. Patent No. 5,999,730) teaches bios, adjusting, speed, bus, and GUI (cols. 1-22 and figs. 1-11B).

May et al. (U.S. Patent No. 6,255,622 B1) teach managing heat, CPU, fan, and GUI (cols. 2-6 and figs. 4A-7).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong
June 2, 2003

Kristine Kincaid
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SUPERVISORY PATENT EXAMINER
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